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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ESTATE OF LACY LLOYD THOMAS,

Plaintiff,

vs.

CLARK COUNTY, NEVADA,

Defendant.

Case No. 2:18-cv-1615-CDS-MDC

**STIPULATION AND ORDER TO
PERMIT THE COMPLETION OF TWO
DEPOSITIONS AND EXTEND THE
TIME FOR FILING DISPOSITIVE
MOTIONS**

(FOURTH REQUEST)

Pursuant to Federal Rules of Civil Procedure (“FRCP”) 6 and 16(b)(4), as well as this Court’s Local Rule of Civil Practice 26-3, the parties hereby jointly submit this Stipulation *for the limited purpose* of allowing the parties to complete two remaining depositions on or before October 15, 2024. By way of this Stipulation, the parties are also requesting an extension of the time for filing dispositive motions in this case (which both parties anticipate doing). For the reasons set forth below, this Stipulation is supported by good cause and/or excusable neglect. The parties respectfully request that this Stipulation be approved.

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DISCOVERY COMPLETED TO DATE

1. Both parties have made initial and supplemental disclosures.
2. Defendant Clark County has taken the deposition of Plaintiff.
3. Defendant Clark County has deposed two of Plaintiff's expert witnesses and is expected to depose the remaining expert for Plaintiff shortly.
4. Plaintiff has responded fully to Clark County, Nevada's written discovery as well as the discovery propounded by the other defendants that have since been dismissed from this case.
5. Plaintiff has propounded written discovery upon Defendant Clark County, Nevada.
6. Plaintiff has retained three expert witnesses in this case.
7. Plaintiff, with leave of Court, has filed an Amended Complaint.
8. Plaintiff has disclosed all of its expert witnesses.
9. Plaintiff has deposed former Defendant Scott Mitchell and is expected to complete the depositions of two additional witnesses this week.

DISCOVERY REMAINING TO BE COMPLETED

As noted at the outset, the only remaining discovery in this case involves completing two depositions – one of Plaintiff's expert and the other of Defendant's FRCP 30(b)(6) designated witness. Both of these witnesses are attorneys with busy schedules which counsel for the parties have been required to accommodate outside the current discovery schedule. Apart from these two depositions, *there is no additional discovery to be completed in this case.*

**REASONS REMAINING DISCOVERY CANNOT BE COMPLETED
WITHIN THE TIME SET BY THE CURRENT DISCOVERY PLAN**

The parties have substantially completed discovery in this case within the current schedule. However, for the reasons explained above, the parties are required to complete two depositions outside the current discovery schedule due to witness availability. Accordingly, the parties are not seeking a blanket extension of the discovery period but rather are simply requesting an accommodation from the Court to permit two remaining depositions to be completed on or before October 15, 2024.

PROPOSED DISCOVERY SCHEDULE

In light of the foregoing, the parties respectfully request the Court (1) permit the parties to complete the depositions of two remaining witnesses (Plaintiff's expert and Defendant's FRCP 30(b)(6) witness) on or before October 15, 2024 and (2) extend the time for filing dispositive motions to and until November 29, 2024. The parties additionally propose that, if either side shall file a dispositive motion, the time to submit a Joint Pretrial Order shall be suspended until 30-days following the Court's last decision on any dispositive motion.

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1 The parties represent that this Stipulation is entered into in good faith and not for the
2 purpose of undue delay. Both parties agree that this Stipulation is warranted under the
3 circumstances.

4 Dated this 24th day of September 2024.

5 Respectfully submitted,

6
7 /s/ Thomas D. Dillard

/s/ Paul S. Padda

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Counsel for Plaintiff

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14 **IT IS SO ORDERED:**

15 **Approved. In the future,**
16 **all discovery stipulations**
17 **must include the dates of**
18 **the current pre-trial and**
19 **discovery deadline/s**
20 **sought to be extended.**

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UNITED STATES MAGISTRATE JUDGE

DATED: 09-25-24